



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462



SEMS DocID

589374

**LETTER OF RESPONSIBILITY
CASE #2005-092**

CERTIFIED MAIL

J. Ferreira Trust
c/o Mr. Robert Yarbroudy
290 Curran Road
Cumberland, RI 02864

Superfund Records Center
SITE: Boulter
BREAK: 4.10
OTHER: _____

October 5, 2005

Advanced Auto Recycling
c/o Joseph Ferreira
290 Curran Road
Cumberland, RI 02864

RE: Boulter Farm Site, 290 Curran Road (Map 19, Lot 363), Cumberland RI; CERCLIS No. RID980672620

Dear Mr. Yarbroudy and Mr. Ferreira:

In February 2004, the Rhode Island Department of Environmental Management (the Department) enacted the amended Rules and Regulations for the Investigation and Remediation of Hazardous Materials Releases (the Remediation Regulations). The purpose of these regulations is to create an integrated program requiring reporting, investigation and remediation of contaminated sites in order to eliminate and/or control threats to human health and the environment in a timely and cost-effective manner. A Letter of Responsibility (LOR) is a preliminary document used by the Department to codify and define the relationship between the Department and a Responsible Party under the Remediation Regulations.

Please be advised of the following facts:

1. According to the Town of Cumberland Tax Assessor's Office, The J. Ferreira Trust is the current owner of the property located on Map 19, Lot 363, on Curran Road in Cumberland, Rhode Island.
2. The Department is in receipt of the following documents concerning property identified as the Boulter Farm in Cumberland, Rhode Island, further designated as Map 19, Lots 162 and 363 of the Town of Cumberland Tax Assessor's plat maps (the Site):
 - *Site Assessment of Property Located at Curran Road, Cumberland RI*, Environmental Resource Associates, Inc., 24 September 1987
 - *Screening Site Inspection*, Rhode Island Department of Environmental Management, Division of Air and Hazardous Materials, June 1989



- *Final Site Inspection Prioritization Report for Boulter Farm Area, Cumberland, Rhode Island, Roy F. Weston, Inc, 29 September 1998*
- *Final Expanded Site Inspection Report for Boulter Farm Area, Cumberland, Rhode Island, Weston Solutions, Inc., 19 April 2004*

3. A file (the File) exists at the Department that describes the environmental conditions concerning the Site.
4. The File identifies elevated concentrations of contaminants as follows:
 - Benzo(a)pyrene, Benzo(a)anthracene, Dibenzo(a,h)anthracene, Arsenic, and lead in soil samples exceed the Rhode Island Residential Direct Exposure Criteria
 - Methyl tert-Butyl Ether and Lead in groundwater exceed the Rhode Island GA Groundwater Objectives
 - Benzo(a)anthracene, Phenanthrene and 4,4'-DDD in sediment samples collected from the downstream surface water pathway for the Site exceed the National Oceanic and Atmospheric Administration Probable Effect Levels

All of these contaminants may have significant adverse impact on human health and/or the environment.

5. The identification of **hazardous materials** as defined by Rule 3.28, specifically the contaminants listed above associated with onsite processes of activities, constitutes a ***Release of hazardous materials*** to the environment as outlined in Rule 3.54 of the Remediation Regulations.
6. The J. Ferreira Trust, as the current owner of the property located on Map 19, Lot 363 at 290 Curran Road in Cumberland, Rhode Island, is a ***Responsible Party*** as defined by Rule 3.60 of the Remediation Regulations.
7. Advanced Auto Recycling, as the current operator of the property located on Map 19, Lot 363, at 290 Curran Road in Cumberland, Rhode Island, is a ***Responsible Party*** as defined by Rule 3.60 of the Remediation Regulations.

As a result of the information known and conditions observed at the site, the Department requests that you comply with the following:

- A. In accordance with Rule 7 (Site Investigation) of the Remediation Regulations, conduct a full Site Investigation, and prepare and submit to the Office of Waste Management (OWM) a complete Site Investigation Report (SIR) within ninety (90) days of receipt of this letter. Given that certain environmental work has already been completed during previous investigations, you may wish to incorporate portions of the information gathered to address the requirements of Rule 7. The Department requests conclusive information regarding the following environmental issues and questions;

- i. Determine the source and extent of soil, sediment and groundwater contamination at the site, and their potential impacts to nearby surface water pathways and off-site properties. Be sure to address, but not limit the investigation to, the following areas, as denoted in the April 2004 Expanded Site Investigation Report:
 - Former Solid Waste Disposal Area 1 (Former Landfill)
 - Former Acid Drum Disposal Area
 - Former Lagoon No. 1
 - On-site automobile recycling operations
- ii. Submit the complete SIR in accordance with Rule 7.08, to include at least two remedial alternatives other than no action, if necessary;
- iii. Be prepared to bring the site into compliance with the Remediation Regulation.

B Submit an SIR checklist (attached). The SIR checklist was created as a supplemental tool to expedite the reviewing and approval process by cross referencing specific sections and pages within the SIR that provide detailed information and addresses each stated requirement within Rule 7 of the Remediation Regulations.

C. After submission of a complete SIR and approval by the Department be prepared to submit a Remedial Action Work Plan (RAWP), subject to Department review and approval, and implement the remedy, if necessary, that will bring the site into compliance with the Remediation Regulations.

D. Be advised that any remedial alternatives that propose to leave contaminated soils on-site at levels which exceed Department criteria, will at a minimum necessitate the recording of an institutional control in the form of an Environmental Land Usage Restriction (ELUR) on the deed for the site, and will likely require implementation of additional engineered controls to restrict human exposure.

Please be advised that prior to the implementation of any field activities, all abutting property owners and tenants must be notified by the responsible party that further investigation and remediation is about to occur, in accordance with Rule 7.07 and 7.09 of the Remediation Regulations and the Industrial Properties Remediation and Reuse Act (Rhode Island General Law 23-19.14-5). The notice should briefly indicate the purpose of the investigation, the work to be performed and the approximate scheduled date(s) of planned activities. Failure to comply with any of the aforementioned laws and regulations may result in enforcement actions as specified in Rhode Island General Law 23-19.1-17 and 23-19.1-18.

Please notify this office within seven (7) days of the receipt of this letter of your plans to address these items. All correspondence should be sent to the attention of:

Louis R. Maccarone II, Engineer
RIDEM Office of Waste Management
235 Promenade Street, Providence, RI 02908-5767
(401) 222-2797, ext.7142; louis.maccarone@dem.ri.gov

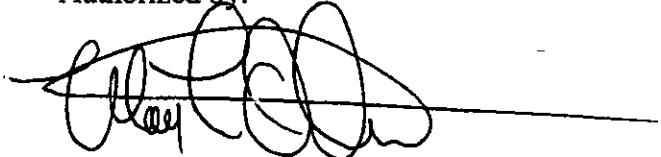
If you have any questions regarding this letter or would like the opportunity to meet with us, please feel free to contact me.

Sincerely,



Louis R. Maccarone II
Engineer
Office of Waste Management
Department of Environmental Management

Authorized by:



Matthew D. DeStefano
Supervising Engineer
Office of Waste Management
Department of Environmental Management

cc: L. Hellested, OWM
C. Gianfrancesco, OWM
K. Owens, OWM
S. DeStefano, OWM
J. Langlois, OLS
N. Smith, EPA
B. Wolpert, Esq.